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PTO/SB/21 (6-98)
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	Application Number	10/088,257
TRANSMITTAL	Filing Date	MARCH 15, 2002
FORM	First Named Inventor	FRANCOIS BERTELLI
(to be used for all correspondence after initial filing)	Group Art Unit	
	Examiner Name	
Total Number of Pages in This Submission	Attorney Docket Number	A0000179/2-01-EJB

	ENCLOSURES (check all that ap	oply)
Fee Transmittal Form	Assignment Papers (for an Application)	After Allowance Communication to Group
Fee Attached	Drawing(s)	Appeal Communication to Board of Appeals and Interferences
Amendment / Response	Licensing-related Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
After Final	Petition Routing Slip (PTO/SB/69) and Accompanying Petition	Proprietary Information
Affidavits/declaration(s	Petition to Convert to a Provisional Application	Status Letter
Extension of Time Request	Power of Attorney, Revocation Change of Correspondence Address	Additional Enclosure(s) (please identify below):
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Response to Missing Parts/ Incomplete Application		;
Response to Missing		
Parts under 37 CFR 1.52 or 1.53		
SIGNA	TURE OF APPLICANT, ATTORNEY, OR	AGENT
Firm or Individual name Eric J. Baude	Reg. No. 47,413	
Signature Evic .	Baule	
Date 8/2	5/03	
	CERTIFICATE OF MAILING	

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		Application Number		10/088,257				
TRANSMITTAL		Filing Date		March 15, 2002				
FORM		First Named Inventor		Francois Bertelli				
(to be used for all correspondence after ini	itial filing)	Group Art Unit						
		Examiner Name						
Total Number of Pages in This Submission	on 527	Attorney Docket Numb	er	A0000179/2-66-MG				
ENCLOSURES (check all that apply)								
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Amendment / Response	Licensin	ng-related Papers		Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)				
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Firm or Individual name Mehdi Ganjeizadeh								
Signature Note:	-jega	del						
Date 8/15/02								
	CERTIFIC	ATE OF MAILING						
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Typed or printed name Cindy Malocha	.4.							
Signature Curdy	Mit	ochr Da	e	8/15/02				

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for FY	2003	Filing Date	MARCH 15, 2002	
Effective 01/01/2003. Patent fees are		First Named Inventor	FRANCOIS BERTELLI	
	-	Examiner Name		
Applicant claims small entity status. See 37 CFR 1.27 TOTAL AMOUNT OF PAYMENT (\$) 180.00		Art Unit		
		Attorney Docket No.	A0000179/2-01-FJB	

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Charge any additional fee(s) during the pendency of this application	1804	920*	1804	920-	Requesting publication of SIR prior to Examiner action	
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1002 330 2002 165 Design filing fee	1401	320	2401		Notice of Appeal	
1003 520 2003 260 Plant filing fee	1402	320	2402		Filing a brief in support of an appeal	
1004 750 2004 375 Reissue filing fee	1403	280	2403		Request for oral hearing	
1005 160 2005 80 Provisional filing fee	1451 1		1451		Petition to institute a public use proceeding	
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1203 280 2203 140 Multiple dependent claim, if not paid	1810	750	2810	375	For each additional invention to be examined (37 CFR 1.129(b))	
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SUBMITTED BY		W	(Complete	(if applicable)
Name (Print/Type)	Eric J. Baude	Registration No. (Atomey/Atops) 47,413	Telephone	734 622-2095
Signature	Zue J. (Soule		Date	8/25/2003

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313



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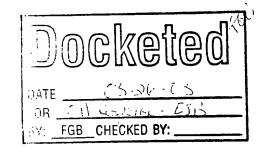
UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address COMMISSIONER OF PATENTS AND TRADEMARKS Washington DC 20231 www.uspin.gov

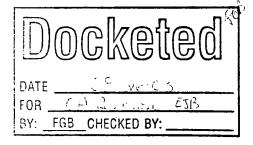
ATTORNEY DOCKET NO. CONFIRMATION NO. FILING DATE FIRST NAMED INVENTOR APPLICATION NO. 03/06/2002 🗸 Francois Bertelli A0000179-C1-66-MG 6882 10/090.827 1 11-7590 02/26/2003 Mehdi Ganjeizadeh EXAMINER Warner-Lambert Company WILDER, CYNTHIA B 2800 Plymouth Road MAR 0 4 2003 Ann Arbor, MI 48105 PAPER NUMBER ART UNIT

AL PATENT DEPT

1637
DATE MAILED: 02/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.





Office Action Summary

Application No. 10/090,827 Applicant(s)

BERTELLI et al.

Examiner

Cynthia B Wilder

Art Unit 1637

	The MAILING DATE of this communication appears o	n the cover she	et with	the correspondence address
	or Reply DRTENED STATUTORY PERIOD FOR REPLY IS SET 1	O EXPIRE	3	MONTH(S) FROM
THE N	MAILING DATE OF THIS COMMUNICATION.			
- Extensi	ions of time may be available under the provisions of 37 CFR 1.136 (a). In no	event, however, ma	ay a reply b	e timely filed after SIX (6) MONTHS from the
- If the p	date of this communication. eriod for reply specified above is less than thirty (30) days, a reply within the	statutory minimum (of thirty (30) days will be considered timely.
- Failure	eriod for reply is specified above, the maximum statutory period will apply an to reply within the set or extended period for reply will, by statute, cause the	application to become	ne ABANDO	NED (35 U.S.C. § 133).
	ply received by the Office later than three months after the mailing date of the patent term adjustment. See 37 CFR 1.704(b).	s communication, ev	en if timely	filed, may reduce any
Status				
1) 💢	Responsive to communication(s) filed on Aug 23, 20	002		· ·
2a) 🗌	This action is FINAL . 2b) 💢 This action	on is non-final.		
3) 🗆	Since this application is in condition for allowance exclosed in accordance with the practice under Ex part	xcept for form te Quayle, 190	al matte 35 C.D.	rs, prosecution as to the merits is 11; 453 O.G. 213.
Disposit	tion of Claims			
4) 💢	Claim(s) <u>1-5</u>			is/are pending in the application.
4	a) Of the above, claim(s)			is/are withdrawn from consideration.
5) 🗆	Claim(s)			is/are allowed.
6) 💢	Claim(s) <u>1-5</u>			is/are rejected.
7) 🗆	Claim(s)			is/are objected to.
8) 🗆	Claims			
Applica	ition Papers			
9) 🗆	The specification is objected to by the Examiner.			
10)	The drawing(s) filed on is/are	a) 🗌 accepte	d or b)	\square objected to by the Examiner.
	Applicant may not request that any objection to the dr	awing(s) be he	ld in abe	yance. See 37 CFR 1.85(a).
11)	The proposed drawing correction filed on	is:	a) 🗆 a	pproved b) \square disapproved by the Examiner.
	If approved, corrected drawings are required in reply to			
12)	The oath or declaration is objected to by the Examin	ner.		
	under 35 U.S.C. §§ 119 and 120			
13)	Acknowledgement is made of a claim for foreign pr	iority under 35	U.S.C.	§ 119(a)-(d) or (f).
a) 🗀	☐ All b)☐ Some* c)☐ None of:			•
	1. \square Certified copies of the priority documents have	e been receive	d.	
	2. \square Certified copies of the priority documents have	e been receive	d in App	olication No
	3. Copies of the certified copies of the priority do application from the International Burea	au (PCT Rule 1	7.2(a)).	
	ee the attached detailed Office action for a list of the			
	Acknowledgement is made of a claim for domestic			
	The translation of the foreign language provisiona			
	Acknowledgement is made of a claim for domestic	priority under	35 U.S.	C. 33 120 and/or 121.
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Art Unit: 1637

DETAILED ACTION

Specification

- 1. The specification is objected to because of the following informalities:
- (a) The sequence identifier recited as "SEQ ID No" at pages 3, 4, 7, 16-18, 20, 21, 24, 26 and 29 and the sequence identifier recited as "SEQ ID No" at page 6 is improper. It is suggested changing "SEQ ID No" and "SEQ ID No" to "SEQ ID NO:" (See MPEP 2422.03).

 Appropriate correction is required.

Claim Rejections - 35 USC § 102(a)

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the Applicant for a patent.
- Claims 1, 3, 4, and 5 are rejected under 35 U.S.C. 102(a) as being anticipated by Brown et al. and Gee et al. (*Journal of Biological Chemistry, Vol. 273, No. 39, pp 25458-465, September 25, 1998*). Regarding claims 1, Brown and Gee teach a method for screening of a ligand which binds a cerebral cortical voltage-dependent calcium channel $\alpha_2\delta-1$ subunit, the method comprising the steps of: contacting a secreted soluble recombinant calcium channel $\alpha_2\delta-1$ subunit polypeptide with a ligand of interest and a labeled compound which binds the $\alpha_2\delta-1$ subunit page 25460, col. 1, lines 2-7, page 25462, col. 2, lines 6-13); and measuring the level of binding of the labeled compound to

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the $\alpha_2\delta$ -1 subunit (Abstract and page 25461, subsection "Miscellaneous Methods" entire paragraph. See also Fig. 2 and legend, page 26462.) Therefore, the reference of Brown and Gee meets all the claimed limitation of claim 1.

4. Regarding claims 3-5, Brown and Gee teach a method according to claim 1 and further teach a primary sequence of the porcine cerebral cortical voltage-dependent calcium channel $\alpha_2\delta-1$ subunit cDNA (Figure 1, page 25459) comprising sequences that are identical to the sequences of SEQ ID NOS: 6-9. Brown and Gee additionally teach mutant forms of the cDNA sequence which resulted in secreted soluble recombinant calcium channel $\alpha_2\delta-1$ subunits (see Figure 2, page 25462). Therefore, the reference of Brown and Gee meets all of the claimed limitations of claims 3-5.

Claim Rejections - 35 USC § 103(a)

- 5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - (a) a patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and

Application/Control Number: 10/090,827

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invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35

U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

7. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown and Gee as applied to claims 1, 3-5 above and further in view of Holland et al. (Analytical Biochemistry, November 1994). Regarding claim 2, Brown and Gee teach a method of screening of a ligand which bind the cerebral cortical voltage-dependent calcium channel $\alpha_2\delta$ -1 subunit comprising the steps of contacting a secreted soluble recombinant calcium channel $\alpha_2\delta$ -1 subunit polypeptide with a ligand of interest; and a labeled compound which binds the $\alpha_2\delta$ -1 subunit; and measuring the level of binding of the labeled compound to the $\alpha_2\delta$ -1 subunit.

The method of screening of Brown and Gee differs from that of the claim invention in that the reference does not expressly teach wherein the step of contacting and said binding is in a well of a flashplate.

Holland et al. teach a screening method of ligands using a flashplate assay wherein the contacting and binding is in the wells of a flashplate (see abstract). Holland et al. teach that the key feature of the flashplate binding assay is its simplicity. Holland et al. states that in essence, it comprises the addition of the radioligand and test compound, incubation and measurement and is convenient for screening compounds interacting at a receptor or quantitative receptor binding studies (page 517, last four lines bridging page 518, line 1). Holland further adds that no separation or washing steps are involved and this simplicity makes the assay more amenable to automation and

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thus allows for a more robust assay. (page 517, col. 2, third paragraph; Discussion). Therefore, it would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to have been motivated to have modified the ligand screening method of Brown and Gee by incorporating a flashplate assay as disclosed by Holland et al. One of ordinary skill in the art would have been motivated to do so for numerous advantages taught by Holland et al. that a flashplate assay is more simpler, more convenient and more robust for screening compounds interacting at a receptor or quantitative receptor binding studies and is more amendable to automation.

Conclusion

- 8. No claims are allowed.
- 9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Cynthia Wilder whose telephone number is (703) 305-1680. The examiner can normally be reached on Monday through Thursday from 9:30 am to 6:30 pm and on Friday from 9:30 am to 1:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Benzion, can be reached at (703) 308-1119. The official fax phone number for the Group is (703) 308-4242. The unofficial fax number is (703) 308-8724.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed the Group's receptionist whose telephone number is (703) 308-0196.

Application/Control Number: 10/090,827

Art Unit: 1637

cbw

February 24, 2003

Cynthia B. Wilder, Ph.D.

Cynthia Wlder

Page 6

Patent Examiner Art Unit 1637

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	KOWALSKI, M.T., ET AL. BIOCHEMICAL SO CHANNEL A2-SUBUNIT ANTIBODIES ON CAI	LCIUM FLUX AND 1,4-DIHYDROPYRII	DINE BINDING" 1990, P. 890
	GURNETT, C.A., ET AL., THE J. OF BIOLOGIC VOLTAGE-DEPENDENT CA2+ CHANNEL ALF	PHA2 DELTA AND ALPHA1 SUBUNITS"	, 19,7, 272:29 PP 18508-18512
	GURNETT, C.A., ET AL., NEURON, "DUAL FU ALPHA2DELTA SUBUNIT IN CURRENT STIM	ULATION AND SUBUNIT INTERACTIO	N" 1996, VOL. 16, PP 431-440
	FELIX, R., ET AL., J. OF NEUROSCIENCE, "D VOLTAGE-DEPENDENT CA2+ CHANNEL ALF	DISSECTION OF FUNCTIONAL DOMAIN PHA2DELTA SUBUNIT", 1997, VOL. 17:1	NS OF THE 18, PP. 6884-6891
	FIELD, M.J., ET AL., BRITISH JOURNALOF P. S-(+)-3-ISOBUTYLGABA REPRESENT A NOVE VOL. 121, PP. 1513-1522	EL CLASS OF SELECTIVE ANTIHYPER	ALGESIC AGENTS", 1997,
	KLUGBAUER, N., ET AL., THE JOURNAL OF I CHANNEL ALPHA2DELTA SUBUNIT", 1999, V	OL 19:2, PP. 684-691	
	TOKUMARU, H., ET AL., EUROPEAN JOURNA SECTION, "PURIFICATION OF THE CARDIA CHROMATOGRAPHY WITH A MONOCLONA SKELETAL MUSCLE DIHYDROPYRIDINE RE	C 1,4-DIHYDROPYRIDINE RECEPTOR L ANTIBODY AGAINST THE ALPHA21 CEPTOR" 1992, VOL. 227, PP. 363-370.	USING IMMUNUAFFINITY DELTA SUBUNIT OF THE
	HILL D.R., ET AL, EUROPEAN JOURNAL OF "LOCALIZATION OF [3H]GABAPENTIN TO A 1993, VOL. 244, PP. 303-309	A NOVEL SITE IN RAT BRAIN: AUTORA	ADIOGRAPHIC STUDIES",
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